

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

JEFFREY MARTIN FELDMILLER and
SANDRA LEE FELDMILLER

Debtors.

RONDA J. WINNECOUR, CHAPTER 13
TRUSTEE Movant

v.

NEWREZ, LLC D/B/A SHELLPOINT
MORTGAGE SERVICING,

Respondent

Lead Bankr. Case No. 15-11089-TPA

Chapter 13

**NEWREZ, LLC D/B/A SHELLPOINT MORTGAGE SERVICING'S MOTION TO
EXCUSE WITNESS**

NewRez, LLC d/b/a Shellpoint Mortgage Servicing (hereinafter “Movant”), by and its counsel, Keri P. Ebeck, Esquire files this Motion to Excuse Witness and state as follows:

FACTUAL BACKGROUND

1. The Trustee filed her Notice of Final Cure on October 12, 2020 at Doc. No. 74.
2. NewRez filed its Response to the Notice of Final Cure on October 27, 2020 at Doc. No. 77 disagreeing with the post-petition status.
3. Trustee filed her Motion to Determine of Final Cure on October 29, 2020 at Doc. No. 78.
4. A Status Conference was scheduled for December 9, 2020 before this Honorable Court.
5. For failure to appear at the status conference, along with the other pending matters, an Order to Show Cause (“Order”) was issued against NewRez on December 14, 2020 at Doc. No. 89.

6. On December 15, 2020, this Honorable Court issued an Order granting Trustee's Motion for Determination of Final Cure at Doc No. 90, deeming the mortgage current through October 2020.

RELIEF REQUESTED

7. Within said Order, this Honorable Court has ordered that several parties appear on the scheduled zoom hearing for February 3, 2021. Those parties include: (1) Mukta Suri, Jack Navarro and an authorized representative of New Rez, LLC d/b/a Shellpoint Mortgage Servicing.
8. The Movant understands the need for all parties to appear and address the Court's issues and concerns and are prepared to do so.
9. The Movant has already scheduled the following people to appear at the February 3, 2021 hearing: (1) Hilary Bonial, Director and Managing Partner for Bonial & Associates, P.C; (2) Paul Cervenka, Managing Shareholder of Bankruptcy for Bonial & Associates, P.C.; (3) Mukta Suri; (4) Brian Nicholas, Attorney with KML Law Group and (4) an authorized representative of Movant.
10. Due to scheduling conflicts, the appearance of Jack Navarro has been difficult to obtain. Additionally, Mr. Navarro is not intimating aware of the notice of final cure processes or internal bankruptcy processes in order to provide this Honorable Court with specifics and clarity.
11. Therefore, in order to comply with this Honorable Court's Order and to make sure that all of the Court's concerns and issues are addressed on February 3, 2021, the Movant would request that this Court revise its Order to Show Cause required parties to appear and excuse Jack Navarro, Chief Executive Officer of Shellpoint Mortgage Servicing.

12. In exchange for Mr. Navarro's from being excused from the hearing attendance, the Movant will have available, Traci Luckhaupt, Vice President of Foreclosure and Bankruptcy, Shellpoint Mortgage Servicing and Madeline Polskin, Director of Bankruptcy, Shellpoint Mortgage Servicing to attend the hearing and answer all of the Court's questions and concerns. Both of these individuals are knowledgeable and oversee the bankruptcy process for the Movant on a daily basis. Additionally, both our involved with the management of the bankruptcy process for the Movant.

13. The Movant understands the seriousness of the Court's Orders and its concerns in this matter and want to address those to avoid further issues before this Court.

14. If this Honorable Court is still concerned regarding the excusing of Mr. Jack Navarro, Movant would respectfully request a short hearing before this Court prior to the February 3, 2021 hearing to provide any additional details that may assist in the Court's decision.

WHEREFORE, the Movant respectfully requests that this Honorable Court excuse Jack Navarro from attendance at the February 3, 2021 hearing and require both Traci Luckhaupt and Madeline Polskin to appear.

BERNSTEIN-BURKLEY, P.C.

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